

**STAFF REPORT  
ZONING BOARD OF ADJUSTMENT**

**Thursday, January 25, 2018  
9:00 a.m.  
Room 105 Courthouse Annex  
Cascade County Commissioners Chambers**

**SUP #13-17**

**Subject Property Information**

Name of Applicant:	Duane and Tamela Franklin 570 E Wentworth St Newcastle, WY 82701
Owner(s):	Cleve Loney 51 E Banjo Hill Lane Great Falls, MT 59405
Legal Description:	S13, T21N, R3E
Geo- Code(s):	3138-13-2-01-15
Parcel Number(s):	2557300
Existing Zoning:	Suburban Residential (SR-2)
Requested Action:	Approval of a Special Use Permit to allow 2nd dwelling.
Surrounding Land Uses /Zoning:	North: Res. / SR-2 South: Res. / SR-2 East: Res. Vacant / SR-2 West: Res. Vacant / SR-2
Current Land Use:	Residential Use
Applicable Regulations :	Sections 7.1.2.3, 7.1.1.3, & 10 Cascade County Zoning Regulations

**General Information:**

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Duane and Tamela Franklin to allow a 2<sup>nd</sup> dwelling at 51 E Banjo Hill Lane, Great Falls, MT. The applicant is requesting that a Special Use Permit be granted as required by Section 7.1.2.3 and 7.1.1.3 of the Cascade County Zoning Regulations.

**General Provisions**

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

**Expiration**

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

### **Findings of Fact:**

1. The property is in a Suburban Residential (SR-2) Zoning District. The proposed 2nd dwelling is allowed in the Suburban Residential District pursuant to Section 7.1.2.3 of the Cascade County Zoning Regulations. The section reads, "*[Uses Permitted Upon Issuance of a Special Use Permit] (2): as set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.] Therefore 7.1.1.3 reads "A second dwelling , including ... 2 single family homes"*
2. Cleve Loney is the legal owner of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on January 14, 2018 and January 21, 2018. Notification was mailed to adjoining neighbors on January 11, 2018.
5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Applicant will install permitted septic system/wastewater system for new dwelling unit.
8. A County Approach Permit will not be required since Banjo Hill Lane is not a County Road.

### **Findings with Respect to the Analysis Criteria**

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts.
- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.
- c. Soil erosion and sedimentation.
- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

***Applicant: There should be no noticeable traffic count changes for we will be there no more than a total of 1 month per year. Northwestern Energy will install power to the new residence. A cistern will be put in and a septic and drain field will be installed. We will dispose of our minimal garbage elsewhere.***

**Staff: Planning staff feels that this use will have a minimal disturbance to the surrounding neighbors in relationship to traffic count. Soil erosion will be minimal to non-existent. No surrounding water supplies will be affected.**

3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or

county as whole , to justify it regardless of its impact on the value of adjoining property.

***Applicant: Negligible impact if any.***

**Staff: Staff feels the proposed SUP will have no effect with the surrounding uses considering the surrounding use is the same as the proposed SUP use.**

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

***Applicant: We would like to add a "tiny house" in this housing development and feel it would have no impact.***

**Staff: Staff feels the residence will be in harmony with existing residences considering there are other homes surrounding the proposed site, and the predominant land use in the area is residential.**

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations :

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers , and its location standards.

***Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.***

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*

- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. *Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. *Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
- F. *Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. *Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. *Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*
- I. *Encourage the growth of the agricultural economy.*
- J. *Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

***Applicant: We will be buying our tiny house from a local builder and having our yard fenced in by a local company. We will be paying local taxes and spending lots of time outdoors. No businesses are planned. I plan on doing some professional nature photography which may promote tourism. We will do local shopping when we are here and we would consider alternative forms of power.***

**Staff: Staff feels the placement of a second home will not affect business, tourism, agriculture, and neighboring economic development.**

**GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.**

**Objectives:**

- A. *Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. *Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*
- C. *Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. *Assure clean air, clean water, a healthful environment and good community appearance.*
- E. *Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. *Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

**Applicant:** *We plan on allowing our renter to have 1-2 horses on the property. We desire having an attractive property, hopefully with more vegetation. We plan on preserving the natural beauty.*

**Staff:** Staff feels that this SUP will not affect the historical relationship of the natural resources. The placement of the tiny home on this land will be such a minimal alteration to the existing use.

### **GOAL 3: Maintain Agricultural economy**

- A. *Protect the most productive soil types.*
  - B. *Continue to protect soils against erosion.*
  - C. *Protect the floodplain from non-agricultural development.*
1. *Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

**Applicant:** *The placement of the mobile home should have little to no effect on the existing soils or erosion. The future renter may have a horse and would most likely purchase local hay and grain.*

Staff: The tiny home should not have any effect on the existing soils. The land is not large enough to be considered farmland and it does not lie in the floodplain.

*GOAL 4: Retain the presence of the US Military in Cascade County.*

*Objectives:*

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. Promote the location of additional military missions in Cascade County.*
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

*Applicant: The placement of the 2<sup>nd</sup> dwelling unit will not affect any missions pertaining to the US military in Cascade County.*

Staff: The placement of the mobile home will be in the MOD-F (Outer Horizontal Surface) which states the tiny home will not be taller than 500' above the elevation of the MAFB runway. The nearest missile launch site is 10+ miles northwest of the site.

*GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.*

*Objectives:*

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild /and/ urban interface.*

1. *Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

*Applicant: We agree with objective A & B & D. We will have an additional cistern for extra water, otherwise minimal impact.*

Staff: The tiny home will likely not positively or negatively affect the Cascade County's citizens' rural lifestyle.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

*Applicant: yes*

Staff: The application will likely not have an impact on the municipal or joint land use plans.

#### Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

## Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 51 E Banjo Hill Lane, Great Falls, MT (parcel # 0002557300) be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a 2<sup>nd</sup> dwelling at 51 E Banjo Hill Lane, Great Falls, MT (0002557300) subject to the following conditions:
  1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
  2. Applicant obtains address from Cascade County Public Works / GIS IMapping Addressing for E911 purposes
  3. Applicant obtains approval for septic permit from City-County Health Department to install septic system

## Attachments:

- Special Use Permit Application, Vicinity Map
- Applicable Zoning Regulations, highlighted.

cc: Duane and Tamela Franklin, Cleve Loney